

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

3 EUMI L. CHOI (WVBN 0722)
4 Chief, Criminal Division

5 KIRSTIN M. ALLT (CSBN 206052)
6 Assistant United States Attorney

7 1301 Clay Street, Suite 340S
8 Oakland, California 94612
9 Telephone: (510) 637-3705
10 Fax: (510) 637-3724

11 Attorneys for Plaintiff

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

15 UNITED STATES OF AMERICA,)

16 No. CR 05-00231 MJJ

17 Plaintiff,)

18 v.) STIPULATION AND [PROPOSED]
19 RYAN CARROLL,) ORDER EXCLUDING TIME FROM
20 Defendant.) AUGUST 3, 2005 TO AUGUST 19, 2005
21 FROM THE SPEEDY TRIAL ACT
22 CALCULATION (18 U.S.C. §
23 3161(h)(8)(A))

24 With the agreement of the parties, and with the consent of the defendant, the Court enters
25 this order scheduling continuing the appearance date in this matter from August 3, 2005 to
26 August 19, 2005 at 2:30 p.m. before the Honorable Martin J. Jenkins in Oakland, California, for
27 change of plea, and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. §
28 3161(b), from August 3, 2005 to August 19, 2005. The parties agree, and the Court finds and
29 holds, as follows:

30 1. The defendant is out of custody.
31 2. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon
32 the unavailability of defense counsel and the need for continuity of counsel. Defense counsel is
33 experiencing a family emergency and will be unable to consult with his client during the

1 excluded time.

2 3. Counsel for the defense believes that the exclusion of time is in his client's best
3 interest.

4 4. Given these circumstances, the Court finds that the ends of justice served by excluding
5 the period from August 3, 2005 to August 19, 2005, outweigh the best interest of the public and
6 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7 5. Accordingly, and with the consent of the defendant, the Court (1) continues the
8 appearance date of August 3, 2005 before the Honorable Martin J. Jenkins to August 19, 2005 at
9 2:30 p.m. for change of plea in Oakland, California; and (2) orders that the period from August 3,
10 2005 to August 19, 2005 be excluded from Speedy Trial Act calculations under 18 U.S.C. §
11 3161(h)(8)(A) & (B)(iv).

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STIPULATED:

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15 DATED: 8/3/05


TODD BEQUETTE
Attorney for Defendant

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17 DATED: 8/3/05


KIRSTIN M. AULY
Assistant United States Attorney

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21 IT IS SO ORDERED.

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DATED: 8/10/2005


MARTIN J. JENKINS
United States District Judge

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